IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 184 OF 2004

Mrs. Suman Vishwanath Pholane and another ...Petitioners

Versus

Union of India and others ...Respondents

Mr. B.M.Raikar for the petitioners.
Mr. S.A. Dubey for respondent No.1.
Mr. P.M. Patil, Assistant Government Pleader, for respondent No.2.

CORAM: **H.S. BEDI, C.J.,** &
V.M. KANADE, J.

DATE: **DECEMBER 13, 2006**.

P.C.

In the present case, the petitioners, who are husband and wife, had five children and being unable to feed them, the wife had undergone a tubectomy but despite this another child was born to the couple. Issues relating to the success etc. of the family planning methods have been raised in this petition. During the pendency of this matter, several steps had been suggested and noted in the order dated September 28, 2005, and ultimately the controversy was limited to the following issue:-

"During the course of hearing, learned counsel for the petitioners has confined relief of this petition only to the post operation counselling by doctors. According to the petitioner such counselling is absolutely imperative in the interest of the patient."

2. We have heard the learned counsel for the petitioners and the respondents. The learned counsel for the petitioners suggests that some public notice should be put up in the hospitals that tubectomy / vasectomy operations were not hundred per cent successful and that some oral advice should be given to those who are illiterate advising that despite these operations , pregnancy may still come about. We find that there can be no objection to such a proposal and we advise the State Government to take these suggestions into account and issue instructions in these terms. The petition is accordingly disposed of.

CHIEF JUSTICE

V.M. KANADE, J.